



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,281	01/13/2004	Dong-yul Lee	1793.1124	1627

21171 7590 05/17/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHAN, WING F

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,281

Applicant(s)

LEE, DONG-YUL

Examiner

Wing F. Chan

Art Unit

2643

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2643

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As disclosed the on-going communication with the first party is a facsimile communication, for example see abstract, description of related art, [0033], [0087] and when a facsimile call is received from a second party determined to be capable of urgent facsimile communication the on-going communication with the first party is interrupted and resumed when the urgent facsimile is received, e.g. see Fig. 12. Therefore, the specification is inadequately written to provide support that the on-going communication with the first party is a telephone call as claimed in claims 13, 26.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2643

4. Claims 1, 14, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujino (JP 05-292291).

As to claims 1, 14, 32, Fujino discloses a method for urgently receive data via facsimile comprising determining whether an urgent transmission of data is demanded by a second party (e.g. data '001' of an user/user information component UU1 is used to indicated degree of urgency of the facsimile, see abstract) previously determined to be capable of urgent communication, interrupting (the on-going) communication with the first party and receive the urgent fax from the second party upon determining that the second party is capable of urgent transmission. See abstract.

5. Claims 1-12, 14-25, 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Watabe (JP 06-209410 with machine translation).

As to claims 1, 14-25, 27-33, Watabe discloses a method urgently receive data via facsimile comprising determining whether an urgent transmission of data is demanded by a second party (operation of the compulsive interruption setting means³⁷, e.g. see [0025] in translation) previously determined to be capable of urgent transmission (e.g. see [0009] in translation), interrupting (the on-going) communication with the first party and receive the urgent fax from the second party upon determining that the second party is capable of urgent transmission (e.g. see [0008]). See entire translation.

As to claims 2-9, in addition to the above discussion Watabe also discloses storing a telephone number of the second party and comparing the stored telephone

Art Unit: 2643

number to those telephone numbers stored in a interruption refusal phase move number registrations means to determine if the second party is previously determined to be capable of urgent transmission and interrupting the on-going communication with the first party when the second party's telephone number is among the stored telephone numbers. See [008, 0009] for example.

As to claims 10-12, for example see Watabe [0027, d)].

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe.

Watabe differs from the claimed invention in not disclosing the first communication is a telephone call, however this would have been obvious to one of ordinary skill in the art at the time the invention was made since Watabe's teaching would have been applicable to any type of communications call such as voice calls, facsimile calls, to thereby allow a second party interrupt an on-going telecommunications call of any type, i.e. telephone call or facsimile call, in order to urgently connect to the intended party to delivery urgent information.

Art Unit: 2643

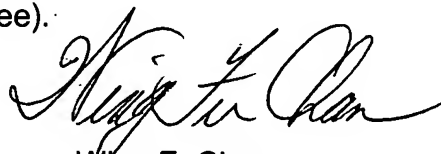
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuda (JP 03-278641), and Sasaki (JP 09-162862) both disclose urgent facsimile reception during communication with another party.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wing F. Chan
Primary Examiner
Art Unit 2643

5/13/05